

07/21/2005

PLAINTIFFS

MYFTAR MYRTAJ
100 GOVERNOR'S DRIVE # 17
WINTRHROP, MA 02152

FETA LILAJ
36 PLEASANT PARK ROAD
WINTHROP, MA 02152

DEFENDENT

WAYNE MORY
CULLINAN ENGINEERING
(BOSTON OFFICE)
400 COMMONWEALTH AV
BOSTON, MA 02215

05 - 11546 RCL

CHARGE DESCRIPTION

MAGISTRATE JUDGE Collings

RECEIPT # 15945
AMOUNT \$ 250
SUMMONS ISSUED 1
LOCAL RULE 4.1 1
WAIVER FORM 1
MCF ISSUED 1
BY DPTY. CLK. Form
DATE 7/21/05

We are two Albanian surveyors that migrated in the U.S.A. on 1996 and 1997. For the last 5 years we have been employed by Cullinan Engineering as surveyors (Feta as chief of crew and Myftar as instrument operator.)

This profession was in full accordance with our backgrounds and educations.

- Myftar has a bachelor degree in math and 15 years as a math teacher and 6 years as a high school principal.
- Feta has a bachelor degree in surveying and 23 years experience as a surveyor. During the time that we have been employed by Cullinan, we performed our job in a satisfactory or higher manner and also working whenever our company needed us in any kind of task. We worked with responsibility and never made any errors on the job.

On the other side Cullinan Engineering appreciated our hard work and effort and treated us as one of the best crews in the Boston Office. (Both plaintiffs usually worked together.)

We never heard any complaints on the behalf of our job from the clients and any bad evaluation from the management. They always congratulated us. Our yearly evaluations prove that our performance was above satisfactory.

Everything had been changed on January 2004 when Cullinan Engineering replaced the Boston Office Manager with Mr. Wayne Mory. Since his first day, we noticed that he disliked people that spoke with an accent. If we greeted him with a "Good Morning", he would respond back with a "What" or at times not respond at all.

One week after he took over, he laid off Myftar by telling him that this office is short of work. He was the only instrument operator with a college education, high math skills, hardworking and high evaluation every year. Five months later, Wayne Mory hired 4 others instrument operators and he never called Myftar back. None of the new employees had a higher education and never have had any experience as surveyors. Three months after that, he hired another instrument operator with less education and experience than Myftar.

From January 2004 till August 2004, Feta was working at this office as a chief of crew, usually with his wife Drita (Albanian also.)

During this time I felt that I had been discriminated in different ways from Mr. W. Mory. He always pretended that he never understood when my wife and I spoke and would always do it for his own humor. This sort of incident never happened with any other people in that office. They always understood us and would never show any signs of discrimination.

We were the only ones to be sent home when the office was short of work. Mr. Mory never felt sorry for us when my wife and I were both sent home without payment. This happened often, sometimes twice a week. This made living a little harder and in this manner we were furthered away from our occupations. During this time, the other crew would never be out of work. If there was no work to do, Mr. Mory would make the other crewmembers work inside the office.

I felt that Mr. Mory would always pay more attention to me than the other workers because he always wanted to catch me making mistakes that I never made.

On August 4, 2004, the day that Feta was going on vacation he laid him off pretending that this office is out of work. He pretended that I was the weakest crew chief. None of other crew chiefs had better education and longer experience than I had. I have been selected from the Cullinan Engineering as the best candidate for my position as was posted in the Boston Globe. None of the other chiefs had this kind of selection.

I was the third Albanian surveyor terminated (on February 2004 he let another Albanian surveyor go, Ardian Rapi, a well educated, S.I.T., with long experience, and 8 years Cullinan's employee.

On September 2004, W. Mory was on vacation while the forth Albanian surveyor in this office, Drita Lilaj, showed up after her vacation. She was not scheduled to work and Mr. Mory's substitute did not know what to do with her. They sent her to work at the temporary office (CA/T Cullinan's office), which was planning on closing on December 2004.

Since that time, the four Albanian surveyors that had been Cullinan's Boston office employee are no longer employed in that office.

All the actions that have occurred make us believe that Mr. Mory (manger of Cullinan's Boston office) has acted in a discriminatory matter towards the Albanians that were employed in Cullinan's Boston office.

These experiences have forced us to take this case to the U.S District Court of Massachusetts.

Sincerely,
Myftar Myrtaj

Feta Lilaj

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS:

① MYFTAR MYRTAJ. WINTHROP, SUFFOLK MA. CITIZEN OF U.S.

DEFENDANTS WAYNE MORY
AT CELLIHAN ENGINEERING CO., INC.
BOSTON OFFICE

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) 11546 RCL

(b) County of Residence of First Listed Plaintiff _____

(EXCEPT IN U.S. PLAINTIFF CASES)

② FETA LILAJ. WINTHROP, SUFFOLK MA. PERMANENT RESIDENT.

(c) Attorney's (Firm Name, Address, and Telephone Number)

PRO SE

05

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> PTF 1	<input type="checkbox"/> DEF 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> PTF 4	<input checked="" type="checkbox"/> DEF 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	SOCIAL SECURITY	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 410 Voting	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 195 Contract Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 196 Franchise	PRISONER PETITIONS	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
REAL PROPERTY	HABEAS CORPUS:	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 530 General	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land		<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 245 Tort Product Liability		<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause: *EMPLOYMENT DISCRIMINATION OF NATIONAL ORIGIN, VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.*

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/21/2005

SIGNATURE OF ATTORNEY OF RECORD

Reta L. Laj / Myftar Myrtej

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IPP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) PL. FETA LILAJ, MYFTAR MYRTAJ
DEF. WAYNE MORY

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 196, 368, 400, 440, ~~441-445~~ 540, 550, 555, 625, 710, 720, 730, *Also complete AO 120 or AO 121
740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. for patent, trademark or copyright cases
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310,
315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371,
380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 610, 620, 630, 640, 650, 660,
690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME	<u>PROSE</u>	<u>PL. FETA LILAJ</u>	<u>DEF. MYFTAR MYRTAJ</u>
ADDRESS	<u>36 PLEASANT PARK RD</u>		<u>100 GOVERNOR'S DRIVE #17</u>
TELEPHONE NO.	<u>WINTHROP, MA 02152</u>		<u>WINTHROP, MA 02152</u>
	<u>TEL: (617) 846-8055</u>		<u>TEL: (617) 846-5358</u>